

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/13/2024

**In re NURTURE BABY FOOD
LITIGATION**

This document relates to:

ALL ACTIONS

1:21-cv-01217-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a joint letter from the parties requesting that the Court reconsider and extend the briefing schedule entered on Defendant Nurture, LLC's motion to dismiss Plaintiffs' First Amended Consolidated Class Action Complaint ("FACC"). [ECF No. 223; *see* ECF No. 222].

Although the Court acknowledges counsel's conflicts with the briefing schedule set by the Court, the Court does not find that the parties' significantly extended proposed briefing schedule is warranted, particularly in light of the fact that Defendant proposed a new set of briefing on this motion not to raise substantively new arguments in support of dismissal of the FACC, which was amended to cure jurisdictional deficiencies, but rather to "consolidate and streamline its arguments [made in support of its prior motion to dismiss] with the significant developments in case law that have occurred." [ECF No. 221].


Accordingly, IT IS HEREBY ORDERED that the parties' request for an extension of the motion to dismiss briefing schedule is GRANTED as modified. The briefing schedule set forth in the Court's Order at ECF No. 222 is amended as follows: motion due June 5, 2024; opposition due July 3, 2024; reply due July 17, 2024.

IT IS FURTHER ORDERED that the parties' request for extended page limits for the motion to dismiss briefing is GRANTED. The page limitations on the parties' briefing (exclusive of caption page, table of contents, table of authorities, signature block, and certificate of service) shall be: opening memorandum in support of motion: 40 pages; memorandum in opposition to motion: 40 pages; reply memorandum in further support of motion: 20 pages.

The Clerk of Court is respectfully requested to terminate the motion pending at ECF No. 223.

SO ORDERED.

Date: May 13, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge